



Goodhue & Hawkins Realty Trust
P. O. Box 432
Ossipee, New Hampshire 03864

Re: DES Site # 199906034
Goodhue & Hawkins Navy Yard
244 Sewall Road
Wolfeboro, NH

**ADMINISTRATIVE ORDER
No. WMD 3-24**

September 8, 2003

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to Goodhue & Hawkins Realty Trust pursuant to RSA 146-A. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. Goodhue & Hawkins Realty Trust ("Goodhue & Hawkins") is a New Hampshire corporation having a mailing address of P.O. Box 431, Ossipee, New Hampshire 03864.

C. STATEMENTS OF FACTS AND LAW

1. RSA 146-A authorizes DES to minimize contamination of the waters and land of the state due to oil discharge or spillage. Pursuant to RSA 146-A:11-c, the Commissioner of DES has adopted NH Administrative Rules Env-Wm 1403 to implement this program.
2. RSA 146-A:15 authorizes the Commissioner of DES to impose administrative fines of up to \$2,000 per offense for violations of RSA 146-A, including any rule adopted pursuant thereto. Pursuant to RSA 146-A:15, the Commissioner of DES has adopted Env-C 606 to establish the schedule of fines for such violations relating to oil spills.
3. Goodhue & Hawkins is the owner of one active 10,000-gallon gasoline underground storage tank and four permanently closed underground storage tanks located at Goodhue & Hawkins Navy Yard, 244 Sewall Road, Wolfeboro, NH 03864 further identified by the DES site number 199906034 ("the Facility").
4. The Facility is subject to the requirements of NH Administrative Rules Env-Wm 1403
5. Env-Wm 1403.07 requires that following notification of a violation of the groundwater quality criteria pursuant to Env-Wm 1403.06, the legally responsible party shall investigate the site and the off-site surrounding area for possible impacts of the contamination.

6. In a letter dated May 21, 2001, DES requested a site investigation (SI) from Goodhue & Hawkins. Env-Ws 412.10 requires Goodhue & Hawkins to submit the SI within 120 days of DES notification. However, Goodhue & Hawkins did not respond to this request.
- 7 In a letter dated October 31, 2002, DES made a second request for the SI
8. On April 3, 2003, DES received a letter from TND Engineering on behalf of Goodhue & Hawkins indicating their intent to comply with the SI request.
9. On April 7, 2003, DES modified its database and granted an extension to Goodhue and Hawkins' SI submittal date. The SI report deadline was set for July 31, 2003.
10. To date, Goodhue & Hawkins has not submitted a site investigation report as required by Env-Wm 1403.07.

D. DETERMINATION OF VIOLATIONS

1. Goodhue & Hawkins has violated Env-Wm 1403 by failing to submit a site investigation report in accordance with Env-Wm 1403.07.

E. ORDER

Based on the above findings, DES hereby orders Goodhue & Hawkins as follows:

1. By **December 31, 2003**, submit site investigation report in accordance with Env-Wm 1403.07.
2. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Gary Lynn, P.E., Supervisor/Oil Remediation and Compliance Bureau
DES Waste Management Division
P.O. Box 95
Concord, NH 03302-0095
Fax: (603) 271-2181
e-mail: glynn@des.state.nh.us

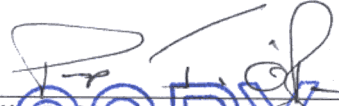
F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Goodhue & Hawkins of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 146-A provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself.

This Order is being recorded in the Carroll County Registry of Deeds so as to run with the land.


Philip J. O'Brien, Ph.D., P.E., Director
Waste Management Division


Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR 7000 1670 0000 0584 7593

Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer J. Patterson, Sr., Asst. Attorney General, NHDOJ/EPB
Ossipee Public Health Officer